

### **REMARKS**

The Office Action dated October 1, 2007 has been received and carefully considered. Claims 1-27 are pending in the application with claims 1, 9, 13, 21 and 25-27 being the independent claims.

Applicants respectfully submit that the application is in condition for allowance and notice thereof is respectfully requested.

#### **I. Pending Rejections**

The Office Action rejects claims 1-7, 9-12, 13-19, and 21-27 under 35 U.S.C. § 103(c) as being allegedly unpatentable over U.S. Patent No. 5,774,650 to Chapman, et al. ("Chapman") in view of U.S. Patent No. 6,449,651 to Dorfman, et al. ("Dorfman").

The Office Action rejects claims 8 and 20 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chapman in view of Dorfman and in further view of U.S. Patent No. 6,289,378 to Meyer, et al. ("Meyer").

#### **A. The Pending Claims Are Not Obvious by Chapman in View of Dorfman**

The Office Action concedes that "Chapman does not expressly teach temporarily assigning an elevated access right to the remote user identifier." Office Action, page 4 (emphasis removed). The Office Action instead relies on Dorfman to disclose this element. As discussed below, Applicants respectfully traverse this rejection and request reconsideration, as this reliance is misplaced.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” M.P.E.P. § 2143.03 (2006).

Dorfman discloses providing temporary remote access to a computer through the use of a perishable password. Dorfman, col. 2, ll. 41-44. In the preferred embodiment, a pair of “dongles” are connected to the host and remote computers. Dorfman, col. 5, ll. 37-43. The dongles include a perishable password - one that “becomes ‘ripe’ at a certain time and will ‘expire’ after a certain time” so that the password can only be used during an effective window to access the host computer from the remote computer. Dorfman, col. 5, ll. 43-48. Dorfman appears to grant access in a quantized state. In an accessible state, the “dongles” are attached to the remote and host computers and the perishable password is utilized during the effective time window for the password, giving the remote computer access to the host computer. In a non-accessible state, the dongles are not attached and/or the perishable password is not used within the effective time window, and access is denied.

Shown above, Dorfman therefore does not appear to disclose a “temporarily elevated access right. . .,” as disclosed in claims 1, 9, 13, 21, 25, 26, and 27. Indeed, Dorfman does not appear to disclose elevating an access right at all. Dorfman merely discloses creating a unique and one-time perishable password to allow access to a remote computer during a window of time. Dorfman is silent about the type of access provided or elevating rights. Consequently, Dorfman necessarily cannot disclose “temporarily elevated access right. . .,” as disclosed in

claims 1, 9, 13, 21, 25, 26, and 27. Applicants respectfully submit amended independent claims 1, 9, 13, 21 and 25-27 are not rendered obvious over Chapman in view of Dorfman. Claims 2-7, 10-12, 14-19, and 21-24 variously depend on 1, 9, 13, 21 and 25-27 and are allowable at least as being dependent on an allowable claim.

In view of the above, Applicant respectfully request that these rejections be withdrawn.

**B. The Pending Claims Are Not Obvious by Chapman in View of Dorfman and in Further View of Meyer.**

The Office Action rejects dependent claims 8 and 20 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chapman in view of U.S. Patent No. 6,289,378 to Meyer et al. ("Meyer"). "If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)." M.P.E.P. § 2143.03. Claim 8 depends from independent Claim 1, and Claim 20 depends from independent Claim 13. The Office Action rejected independent claims 1 and 13 under 35 U.S.C. § 102(b). The Office Action did not reject independent claims 1 and 13 under 35 U.S.C. § 103. Applicants respectfully submit that the 35 U.S.C. § 102(b) rejection to claims 1 and 13 should be withdrawn and are allowable as shown above. The rejection of dependent claims 8 and 20 under 35 U.S.C. § 103 with regard to the Chapman patent in view of the Meyer patent should also be withdrawn.

**CONCLUSION**

It is respectfully submitted that this application and all pending claims are in condition for allowance and such disposition is earnestly solicited. If the Examiner believes that a

telephone conference or interview would advance prosecution of this application in any manner, the Examiner is requested to contact the undersigned attorney.

It is believed that a two (2) month extension of time is due in connection with filing this amendment. Applicant authorizes the Commissioner to charge the fee for a two month extension of time to the undersigned's Deposit Account 50-0206. The Commissioner is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicant also authorizes the Commissioner to charge any additional fees to the undersigned's Deposit Account 50-0206.

Respectfully submitted,

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